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## MONDAY, FEBRUARY 5, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

**8:00 a.m. Weed & Parks Board meeting @ Weed & Parks Office**

**Chairman Brenneman opened the public comment on matters within the Commissions' Jurisdiction.**

Ken Kalvig commented on the growth policy in regards to the Implementation Strategy in Chapter 9, which deals with the governing body evaluating and making decisions on proposed subdivisions. He then made a suggestion to change some language so that it would not put a burden on a subdivision applicant to prove that something does not exist.

Mayre Flowers spoke on goal 39 and 40 in regards to protecting sensitive areas over shallow aquifers from 5 feet to 8 feet in depth. She spoke about the 8 foot depth area being a guide and feels it is highly appropriate to go back to the 8 foot level. She then reminded the commission that they have received very strong and over whelming public comment to return chapter 10 to the original staff proposal that was commented on by the public.

**No one else risings to speak, Chairman Brenneman closed the public comment period.**

### **CONSIDERATION OF ADOPTION OF RESOLUTION OF INTENT: GROWTH POLICY**

[9:02:15 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, County Attorney Jonathan Smith, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Ken Kalvig, Eric Hummel, Kathy Robertson, Bill Baum, Jack Fallon, Marcy Mahr, Larry VanRinsum, Clerk Diana Kile

Discussion was held relative to the proposed change of language in Chapter 9, Part 4.

- Presently it says **"How the governing body will evaluate and make decisions regarding proposed subdivisions-** Each of the thresholds and criteria that are listed as definitions will be stated as presumptions of impact if the definition is met. All development applications meeting the definitions will be required to present evidence to overcome the presumption of impact. The governing body will consider evidence presented by the applicant to determine whether the applicant has overcome by the presumption. This method of evaluating and making decisions regarding the impact of proposed subdivisions places the burden of proof on the applicant, not the residents and representatives of Flathead County.
- Proposed change would be **"How the governing body will consider evidence presented by the applicant in determining whether the applicant has overcome the presumption.** Each of the thresholds and criteria that are listed as definitions will be stated as presumptions of impact if the definition is met. All development applications meeting the definitions will be required to present evidence to overcome the presumption of impact. The governing body will consider evidence presented by the applicant to determine whether the applicant has overcome by the presumption. This method of evaluating and making decisions regarding the impact of proposed subdivisions places the burden of proof on the applicant, not the residents and representatives of Flathead County.

Discussion was held relative to proposed changes in Chapter 8, Goal & Policies 40, 40.3 & 40.4 to change the language from 5 feet to 8 feet. Proposed change would be:

G.40 Protect sensitive areas over shallow aquifers of less than eight feet to the surface.

P.40.3 Encourage rural residential densities at an average of one dwelling unit per five acres and/or community wastewater treatment systems on sites where the groundwater is less than eight feet.

P.40.4 Encourage rural low-intensity land uses in areas where the groundwater is less than eight feet.

Commissioner Lauman made a **motion** to change five feet to eight feet. Commissioner Brenneman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to adopt resolution #2015. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to approve the Resolution of Intent and authorize the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

### RESOLUTION NO. 2015

WHEREAS, the Board of Commissioners of Flathead County, Montana, adopted the Flathead County Master Plan by the adoption of Resolution 627 A on March 10, 1987;

WHEREAS, the Montana Legislature required replacement of master plans of local governing bodies with Growth Policies through the enactment of amendments to Sections 76-1-601 through 76-1-606, M.C.A., in 1999;

WHEREAS, the Board of Commissioners requested that the Flathead County Planning Board prepare and recommend a Growth Policy, that complies with the provisions of Section 76-1-601, M.C.A., for the jurisdictional area of the Flathead County Planning Board, which includes all of Flathead County outside of the City of Kalispell and the City-County jurisdictional areas of the Columbia Falls City-County Planning Board and the Whitefish City-County Planning Board;

WHEREAS, the Flathead County Planning Board held public hearings pursuant to the provisions of Section 76-1-602, M.C.A.; considered the public comment that was received and documented by the staff of the Flathead County Planning and Zoning Department pursuant to Section 76-1-603, M.C.A.; and, by adoption of its Resolution on December 11, 2006, recommended a Growth Policy for the jurisdictional area of the Flathead County Planning Board, for adoption by the Board of Commissioners;

WHEREAS, the Board of Commissioners has held a series of work sessions, has considered the public comment received, and has revised the Growth Policy that was recommended by the Flathead County Planning Board; and

WHEREAS, the Board of Commissioners has determined that the Growth Policy proposed by the Flathead County Planning Board, as revised by the Board of Commissioners, should be adopted for the jurisdictional area of the Flathead County Planning Board.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, pursuant to Section 76-1-604, M.C.A., that it intends to adopt the Flathead County Growth Policy recommended by the Flathead County Planning Board, as revised by the Board of Commissioners and attached hereto.

BE IT FURTHER RESOLVED that the Board of Commissioners will give the public an opportunity to comment in writing on the proposed Flathead County Growth Policy and will consider any written comments which are received in the Board's Office prior to March 9, 2007. The Board will consider whether to make any further revisions and whether to pass a final resolution adopting the proposed Flathead County Growth Policy, with revisions, after that date.

Dated this 5<sup>th</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Joseph D. Brenneman  
Joseph D. Brenneman, Chairman

By/s/Gary D. Hall  
Gary D. Hall, Member

By/s/Dale W. Lauman  
Dale W. Lauman, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Deputy

**NOTICE OF PASSAGE OF RESOLUTION OF INTENTION  
FLATHEAD COUNTY GROWTH POLICY**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that, pursuant to Section 76-1-604, M.C.A., it passed a Resolution of Intention (Resolution No. 2015) on February 5, 2007, to adopt the Flathead County Growth Policy recommended by the Flathead County Planning Board, as revised by the Board of Commissioners.

The proposed Flathead County Growth Policy is for the for the jurisdictional area of the Flathead County Planning Board, which includes all of Flathead County outside of the City of Kalispell and the City-County jurisdictional areas of the Columbia Falls City-County Planning Board and the Whitefish City-County Planning Board. If adopted, the provisions of the Flathead County Growth Policy will be considered in regulation and subdivision of property within the jurisdictional area.

The proposed Growth Policy is available for public inspection at the Office of the Clerk and Recorder, Courthouse, 800 South Main, Kalispell, Montana, and at the Flathead County Planning and Zoning Office, 1035 1st Avenue West, Kalispell, Montana. It is also available on-line at the Flathead County Planning and Zoning Department's page on the Flathead County website.

The Board will give the public an opportunity to comment in writing on the proposed Flathead County Growth Policy and will consider any written comments which are received in the Board's Office, Courthouse, West Annex, 800 South Main, Kalispell, MT 59901, prior to March 9, 2007. The Board will consider whether to make any further revisions and whether to pass a final resolution adopting the proposed Flathead County Growth Policy, with revisions, after that date.

DATED this 5<sup>th</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Joseph D. Brenneman  
Joseph D. Brenneman, Chairman

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Deputy

Publish on February 8 and February 15, 2007.

**CONTINUATION OF PRELIMINARY PLAT: BLACK GOLD TRACTS SUBDIVISION, AMENDED PLAT OF LOT 3**

[10:02:07 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Planning Director Jeff Harris, Assistant Planning Director B J Grieve, Planner Eric Giles

Clerk Diana Kile, Joe Kauffman, Carol Duval, Larry VonRinsum

Giles reviewed the application submitted by Carol Duval with technical assistance from Joe Kauffman for preliminary plat approval of Black Gold Tracts Subdivision, Amended Plat of Lot 3. Giles presented a DVD presentation of a sub station that caught on fire.

Kauffman presented pictures to the commission with similar power line conditions around the valley as Carol Duval's application.

Giles reviewed the map with the commission.

Discussion was held in regards to safety hazards.

Duval stated that they went through the state and that everything was done properly and according to regulations and that all they want is to be able to have a shop for their construction business.

Grieve then spoke about the county not having any way to regulate BPA easements.

Duval then stated that presently there is nothing in the easement.

Commissioner Hall questioned if there was any proposed shop site that would infringe on the easement.

Duval stated that there was not and that they never asked for that.

Kauffman stated that BPA does not allow structures on their easements.

Harris stated that once you create a lot it's a lot and if it's sold then someone might not have the same intentions as the Duval's.

Duval stated that BPA has told them that they would want them to make pull outs so they would not break the road up and that she has talked to them extensively so that they do follow the rules.

Harris stated that they could put a shop there without breaking up the property.

Duval then stated that would not protect their kids.

Grieve stated that the financial welfare of an individual land owners is not a concern of the Planning & Zoning Department and stated that what they look at is the impact to the valley not on the individual land owners.

Commissioner Hall questioned if a condition could be added to the preliminary plat.

Commissioner Lauman stated his concern with the high voltage lines.

Commissioner Lauman made a **motion** to deny Black Gold Tracts Subdivision. Motion dies for lack of second.

Application not approved.

#### **AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: CAPITAL IMPROVEMENT PLAN (CIP)**

[10:26:43 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Lauman made a **motion** to authorize the publication of the Notice of Public Hearing and authorize the Chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to seek public comment on a proposed Capital Improvement Plan (CIP).

Flathead County is nearing completion of a project to create a comprehensive five (5) year CIP. The final draft of the proposed CIP is available at the County Commissioners Office and on the County Website.

The public hearing will be held on the 22<sup>nd</sup> day of February, 2007, at 9:15 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed Capital Improvement Plan.

DATED this 5<sup>th</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

ATTEST:  
Paula Robinson, Clerk

By/s/Gary D. Hall, PT  
Joseph D. Brenneman, Chairman

By:/s/Diana Kile  
Deputy

Publish on February 8 and February 15, 2007.

#### **PUBLIC HEARING: MONTANA WEST ECONOMIC DEVELOPMENT CENTER CDBG TRAINING GRANT**

[10:30:31 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Gary Winship, Charlie Wright, Clerk Diana Kile

Gary Winship the director of lending in Montana West Economic Development also known as Jobs Now Inc. stated that they are here to have a Public Hearing for the CDBG program and its need in the area.

Charlie Wright the Regional Development Officer of Montana Department of Commerce presented a power point presentation from the State of Montana. Wright stated that as required by the US Department of Housing and Urban Development every year when community development grant block funds become available a Public Hearing has to be held to present the program to the local county government.

**Commissioner Hall PT opened the public hearing to anyone wishing to speak in favor or opposition.**

**No one rising to speak Commissioner Hall PT closed the public hearing.**

#### **BI-MONTHLY MEETING W/ CHARLIE JOHNSON, ROAD DEPT**

[10:55:55 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Road Superintendent Charlie Johnson, Larry VanRinsum, Tom Gorton, Noel Gorton, Clerk Diana Kile

Discussion was held relative to Haskill Basin Road where they are trying to install a bridge on Haskill Creek. Johnson reported on the road blocks that they have run into and stated that the Fagans want a guarantee that once the bridge goes in that the road will be paved.

VanRinsum spoke about 4 primary conditions that the Fagan's have for the easement.

Discussion was then held relative to RSID's and paving of roads.

Johnson spoke about RSID's being approached in bigger block areas instead of doing a road at a time.

#### **TOM GORTON RE: MENNONITE CHURCH ROAD**

[11:08:31 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Road Superintendent Charlie Johnson, Tom Gorton, Noel Gorton, Clerk Diana Kile

Tom Gorton a resident on Mennonite Church Road spoke in regards to a violation that he filed with DEQ in August of 2006, and also the violation that Flathead County is under right now with the State of Montana DEQ. He spoke about air quality, weight limits set by the Board of Commissioners and dust problems. He also spoke about the increase of traffic with new subdivisions going in and the developer not having to do any paving to keep the dust down. He stated that every home that is built creates revenue and he questions where that revenue goes if not to the Road Department.

Charlie Johnson spoke about Ashley Lake Road and the revenue that the county Road Department receives from that area being \$2,500 for 8 ½ miles of roadway.

Tom Gorton also spoke about a bridge that will be built that will bring more traffic onto Holt and Mennonite Church Roads. He then stated that if the county or developer can't afford to pave a road then the property should not be allowed to be developed. Discussion was held in regards to him not being able to breathe outside of his home and it was stated that he feels it is the fault of the county by approving subdivisions and not making the developer pave the roads. Gorton stated that he is hoping that the commission can do something with his road and asked to be backed up when the next subdivision comes through.

Charlie Johnson then spoke about waivers of protest and paving off of traffic counts. He then stated that what he would like to see within the county would be that all paving be done with RSID's, with it being the fairest way to get the paving done.

Discussion was also held relative to RSID's and maintenance districts with the RSID's,

**1:00 p.m. Commissioner Brenneman to Helena**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock February 6, 2007.

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## **TUESDAY, FEBRUARY 6, 2007**

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

**Commissioner Hall PT opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Commissioner Hall PT closed the public comment period.**

### **MONTHLY MEETING W/ JAY SCOTT, FAIRGROUNDS**

[9:00:28 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Jay Scott, Clerk Diana Kile

Discussion was held relative to the RV Show held at the fair grounds, boarding horses, horse races and the upcoming entertainment which will include a draft horse show, ATV activities, team penning and a pow-wow.

### **BI-MONTHLY MEETING W/ VICKI SAXBY, I.T.**

[9:18:05 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, I.T. Director Vicki Saxby, Clerk Diana Kile

Discussion was held relative to the positions that are open in the I.T. Department, goals that have been set, web enhancement, monthly visits to each department and spam control. It was also stated that the amber alert took many hours of over time by staff in setting up a command center. The web site was discussed in regards to other counties and what they are using as well as set up costs. It was questioned if an RFP would be needed in order to contact someone for advice on the web site. An informal salary survey comparison was presented to the commission that compares Flathead County I.T. Department wages with other Montana counties.

### **MEETING W/ RISK MANAGEMENT COMMITTEE**

[9:33:12 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Solid Waste Director Dave Prunty, HR Manager Raeann Campbell, Robin Boon, Clerk Diana Kile

Discussion was held relative to 3 policies the Risk Management Committee is recommending approval for; noise policy, driving policy and special event guideline policy.

The Noise Policy will require that you will comply with OSHA and insure you are wearing hearing protection. The noise survey was done in job positions that would have possible exposure.

The Flathead County Driving Policy would require an employee to have \$300,000 of insurance if their own personal vehicle is used for county business.



Flathead County Special Events Policy guidelines will state requirements for special events.

Commissioner Lauman made a **motion** to implement the Flathead County Hearing Guidelines Policy and the Flathead County Special Event Guidelines Policy. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **MONTHLY MEETING W/ RAEANN CAMPBELL, HUMAN RESOURCE OFFICE**

[10:09:37 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, HR Manager Raeann Campbell, Clerk Diana Kile

Discussion was held relative to the personnel transactions for the month of January. It was reported that the month of January had 3 recordable injuries and health insurance claims were up. Campbell also attended a work comp conference session in Helena where it was reported that Montana has the highest premiums and worst safety record in all the other states that were surveyed.

Commissioner Lauman made a **motion** to approve the personnel transactions for the month of January. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **CONSIDERATION OF LAKESHORE PERMIT: BOODY/ DENMAN**

[10:18:16 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Planning & Zoning Office George Smith, Clerk Diana Kile

Smith reviewed the application submitted by Bruce Boody for a lakeshore construction permit to remove and reconstruct an existing wood dock in order to resolve a dispute regarding the issuance of permit FLV 05-05A, which will be closed as uncompleted. The new project under the name of "The Terrace at Somers Bay" will be a redesigned marina dock that will be substantially down sized and the riparian boundaries will be increased to minimize effects to the neighboring properties.

The existing dock will be removed in entirety, including the outlying breakwater wall. A new breakwater and dock will be constructed within a smaller footprint, and with fewer slips, realigned in relation to the main perpendicular gangway to the following dimensions:

Commissioner Lauman made a **motion** to approve lakeshore permit FLV 06-03. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **MEETING W/ FRED HANSON/ MACo RE: JAIL STANDARDS**

[10:33:06 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, HR Manager Raeann Campbell, Sheriff Mike Meehan, Detention Chief Dave Hutton, Robin Boon, Fred Hanson, Jerry Williams, Clerk Diana Kile

Fred Hanson the Risk Manager Specialist with MACo presented a power point presentation in regards to Montana Jail Detentions and Montana Jail Standards and policy guidelines.

Jerry Williams teaches Risk Management from a law enforcement perspective presented a training program called, A Collaborative Project Between the Montana Municipalities Insurance Authority.

#### **CONSIDERATION OF PRINTING BIDS: HEALTH DEPT, WEED & PARKS, SHERIFF'S OFFICE**

[11:46:03 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Lauman made a **motion** to approve the print bid from Northstar Printing for 1,000 reminder cards for \$85.00, 3,000 flow sheets for \$149.00 and 3,000 ½ page flow sheets for \$76.00 for the Health Department. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve the print bid from Great Northern Printing for 500 standard business cards for \$24.95 and 1,000 business cards for \$37.95 for the Health Department. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve the print bid from North Star Printing for 3,000 inmate rule books for \$246.00. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Commissioner Lauman made a **motion** to approve the print bid from Eagle Flight Business Forms for 5,000 white envelopes for \$150.85. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **CONSIDERATION OF VACATION TIME: C. JOHNSON**

[11:50:12 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, HR Manager Raeann Campbell, Clerk Diana Kile

Commissioner Lauman made a **motion** to deny the vacation request from Charlie Johnson. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **CONSIDERATION OF HR TRANSMITTAL: COURIER/ LIBRARY**

[11:48:07 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, HR Manager Raeann Campbell, Finance Director Laurel Raymond, Clerk Diana Kile

Commissioner Lauman made a **motion** to approve the HR transmittal for a courier for the library and authorize the chairman to sign. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **DOCUMENT FOR SIGNATURE: DPHHS CONTRACT #06-07-5-41-015-0**

[11:48:31 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Lauman made a **motion** to approve the DPHHS contract #06-07-5-41-015-0. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **BUDGET AMENDMENT**

[11:50:59 AM](#)

Members present:

Commissioner Dale W. Lauman

Commissioner Gary D. Hall, PT

Members absent:

Chairman Joseph D. Brenneman

Others present:

Assistant Michael Pence, Finance Director Laurel Raymond, Clerk Diana Kile

Commissioner Lauman made a **motion** to approve budget amendment #2014. Commissioner Hall PT **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

#### **BUDGET AMENDMENT RESOLUTION 2014**

**WHEREAS**, the Board of Commissioners has determined, and various department heads have requested and verified, that budget revisions between line items for Fiscal Year 2005-2006, are required, and;

**WHEREAS**, Section 7-6-4031, M.C.A. and Budget Resolution No. 1689, allow budget transfers to be made between items in the same fund.

**NOW, THEREFORE, BE IT RESOLVED**, that the attached list of transfers and revisions shall be made in the budget for Flathead County for Fiscal Year 2005-2006; and

**BE IT FURTHER RESOLVED**, that this Resolution and the attached list of transfers and revisions shall be entered into the minutes of the Board of Commissioners.

DATED this 5<sup>th</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/\_\_\_\_\_  
Joseph D. Brenneman, Chairman

By/s/Gary D. Hall, PT  
Gary D. Hall, Member

By/s/Dale W. Lauman  
Dale W. Lauman, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Deputy

**COUNTY OF FLATHEAD  
GENERAL JOURNAL VOUCHER  
BUDGET AMENDMENT - FY2006**

<b>DATE ISSUED:</b>		<b>Resolution # 2014</b>		<b>VOUCHER NO.:</b>
<b>DATE OF RECORD:</b>		<b>6/30/2006</b>		<b>Entered by:</b>
<b>MCA 7-6-4006</b>		<b>ACCOUNTING COPY</b>		<b>"B" Entry</b>
<b>Account Number</b>	<b>Object</b>	<b>Description</b>	<b>Debit</b>	<b>Credit</b>
<b>2120-242000</b>		<b>Poor Fund - Exp Control</b>	<b>\$ 3,783.00</b>	
<b>2120-0201-450141</b>	<b>398</b>	<b>Burial</b>		<b>\$ 3,783.00</b>
<b>2374-242000</b>		<b>Home Health - Exp Control</b>	<b>\$ 82,732.00</b>	
<b>2374-0224-440180</b>	<b>398</b>	<b>Home Health - Contr Serv</b>		<b>\$ 82,732.00</b>
<b>2840-242000</b>		<b>Weed Truck Grant-Exp Control</b>	<b>\$ 2,371.00</b>	
<b>2840-0246-431100</b>	<b>398</b>	<b>Weed Truck Grant - Cont Serv</b>		<b>\$ 2,371.00</b>
<b>2850-242000</b>		<b>911 Emergency - Exp Control</b>	<b>\$ 21,913.00</b>	
<b>2850-0209-420750</b>	<b>345</b>	<b>911 Emergency - Telephone</b>		<b>\$ 21,913.00</b>
<b>2912-242000</b>		<b>Acc'tability Enforce Grt - Exp Contl</b>	<b>\$ 6,352.00</b>	
<b>2912-0191-420342</b>	<b>397</b>	<b>Contracted Services</b>		<b>\$ 6,352.00</b>
<b>2913-242000</b>		<b>Youth Service Network - Exp Control</b>	<b>\$ 65.00</b>	
<b>2913-0264-420300</b>	<b>398</b>	<b>Contracted Services</b>		<b>\$ 65.00</b>
<b>2916-242000</b>		<b>BCC/Drug Invest - Exp Control</b>	<b>\$ 7,044.00</b>	
<b>2916-0190-420142</b>	<b>398</b>	<b>Contracted Services</b>		<b>\$ 7,044.00</b>
<b>2932-242000</b>		<b>Alcohol Enforcement - Exp Control</b>	<b>\$ 361.00</b>	
<b>2932-0209-420110</b>	<b>305</b>	<b>Operating Expense</b>		<b>\$ 361.00</b>
<b>2966-242000</b>		<b>Radon Prog - Exp Control</b>	<b>\$ 453.00</b>	
<b>2966-0190-440110</b>	<b>228</b>	<b>Educational Supplies</b>		<b>\$ 453.00</b>
<b>2962-242000</b>		<b>CTEP/GT North - Exp Control</b>	<b>\$ 16,998.00</b>	
<b>2962-0201-430235</b>	<b>398</b>	<b>Contracted Services</b>		<b>\$ 16,998.00</b>
<b>2967-242000</b>		<b>Cancer Prog - Exp Control</b>	<b>\$ 721.00</b>	
<b>2967-0190-440110</b>	<b>398</b>	<b>Contracted Services</b>		<b>\$ 721.00</b>
<b>2973-242000</b>		<b>MCH Grant - Exp Control</b>	<b>\$ 1,460.00</b>	
<b>2973-0190-40170</b>	<b>110</b>	<b>Salaries</b>		<b>\$ 1,460.00</b>
<b>2974-242000</b>		<b>Consortia III - Exp Control</b>	<b>\$ 694.00</b>	
<b>2974-0191-440176</b>	<b>143</b>	<b>Health Ins</b>		<b>\$ 694.00</b>
<b>2977-242000</b>		<b>Bioterrorism - Exp Control</b>	<b>\$ 54,719.00</b>	



2977-0190-440155	398	Contracted Services		\$ 54,719.00
2978-242000		TB Grant - Exp Control	\$ 5,437.00	
2978-0191-440174	351	Med/Dent/Pharm		\$ 5,437.00
3530-242000		Evergreen SRF - Exp Control	\$ 8,322.00	
3530-0200-490301	610	Principal		\$ 8,322.00
4002-242000		Health Dep CIP - Exp Control	\$ 1,647.00	
4002-0222-440110	212	Small item equipment		\$ 1,647.00
7015-242000		Animal Control Trust - Exp Contrl	\$ 452.00	
7015-0217-440600	220	Operating Supplies		\$ 452.00
7040-242000		Evergreen Median Trust - Exp Contr	\$ 1,064.00	
7040-0201-430240	341	Electric		\$ 1,064.00
Total			\$ 216,588.00	\$216,588.00
<p style="text-align: center;"><u>Explanation</u></p> <p>To establish additional budget for FY2006. Additional revenues received for all but Poor Fund and Weed Truck grant.</p> <p style="text-align: right;">Approved by: <u>LR</u> Date: <u>1/29/2007</u></p>				

#### Commissioner Brenneman to Interoperability Montana Project Directors meeting in Helena

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock February 7, 2007.

\*\*\*\*\*

### WEDNESDAY, FEBRUARY 7, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

10:00 a.m. Commissioner Brenneman to Flathead Basin Commission meeting in Polson  
11:00 a.m. County Attorney meeting @ Co. Atty's Office  
7:00 p.m. Fair Board meeting @ Fair Office

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock February 8, 2007.

\*\*\*\*\*

### THURSDAY, FEBRUARY 8, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

Chairman Brenneman opened the public comment on matters within the Commissions' Jurisdiction, no one present to speak, Chairman Brenneman closed the public comment period.

#### MEETING W/ BJ GRIEVE PLANNING & ZONING OFFICE: REPORT CONCERNING CHANGES PRIOR TO FINAL RESOLUTION / GROWTH POLICY

9:01:50 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve, Adrienne Maxwell, Clerk Diana Kile

BJ Grieve read into record the changes that were put forth after the Growth Policy workshop. He then stated that the final commissioner's draft, final planning board draft and the original draft are all available on the web site for public access for the 30 day comment period.

Commissioner Brenneman clarified for the record that when the document was signed on February 5, 2007, the commission understood the changes that Assistant Planning & Zoning Director BJ Grieve described were in the Growth Policy document.

#### **MONTHLY MEETING W/ JEFF HARRIS, PLANNING & ZONING OFFICE**

[9:14:27 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Assistant Planning & Zoning Director B J Grieve  
Clerk Diana Kile

Jeff Harris presented a copy of an administrative copy of the Riverdale Plan that has been sent out to property owners for their review. Discussion was held relative to an administrative copy of the set up for a county developmental code, which is a manual that will consist of all the Growth Policy, zoning regulations and revised subdivision regulations.

#### **CONTINUATION OF PUBLIC HEARING: BLASDEL ZONE CHANGE/ EVERGREEN & VICINITY ZONING DISTRICT**

[9:43:38 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Planner George Smith, Eric Mulcahy, Clerk Diana Kile

Discussion was held relative to the continuation of the Blasdel Zone Change.

**Chairman Brenneman opened the Public Hearing for anyone wishing to speak in favor or opposition.**

Commissioner Lauman made a **motion** to continue the Public Hearing in 45 days for the Blasdel Zone Change. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **CONTINUATION OF PUBLIC HEARING: FARLEY, ET AL, ZONE CHANGE/ LOWER SIDE ZONING DISTRICT**

[9:45:00 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Planning & Zoning Director Jeff Harris, Clerk Diana Kile

Discussion was held relative to the continuation of the Farley Zone Change.

**Chairman Brenneman opened the Public Hearing for anyone wishing to speak in favor or opposition.**

Commissioner Lauman made a **motion** to continue the Public Hearing in 45 days for the Farley Zone Change. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **PUBLIC HEARING: WHITEFISH FIRE SERVICE AREA FEES**

[10:00:11 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Eric Schenck, Doug Moller, Clerk Diana Kile

**Chairman Brenneman opened the Public Hearing for anyone wishing to speak in favor or opposition of the Whitefish Fire Service area fees.**

Doug Moller stated that the contract is more informational than the previous contract and is fair for all parties with the new contract being a significant improvement over the old one.

**No one else rising to speak, Chairman Brenneman closed the Public Hearing.**

Commissioner Hall made a **motion** to approve resolution #2002A for the Whitefish Fire Service fees. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

WHEREAS, the Board of Commissioners created the Whitefish Fire Service Area under the provisions of Section 7-33-2401, M.C.A.;

WHEREAS, the Board of Commissioners received a request from the Board of Trustees of the Whitefish Fire Service Area to amend the fee schedule implemented by the adoption of Resolution No. 745B.

WHEREAS, the Board of Commissioners concurred in the recommendation of the Board of Trustees of the Whitefish Fire Service Area to amend the fee schedule and passed a Resolution of Intent do so (Resolution No. 2002, dated January 23, 2007);

WHEREAS, the Board of Commissioners conducted a public hearing, after publication of legal notice, to receive protests and comments relating to the amendment to the rate schedule on February 8, 2007, and has considered the protests and the public comment; and

WHEREAS, the Board of Commissioners has concluded that the amendment to the fee schedule of the Whitefish Fire Service Area should be adopted.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby adopts the following schedule of rates to be charged to owners of structures within the Whitefish Fire Service Area, effective on the passage of this Resolution:

<u>CLASSIFICATION</u>	<u>FEE</u>	<u>DOR FACTOR</u>
Class 1 - Single Family & Businesses operated out of the home	\$90/year	1.00
Class 2 - Rural Business – Low Risk (Restaurants, Hotels, Motels)	\$199.80/year	2.22
Class 3 - Rural Business – High Risk (Bulk Plants, Gas Stations)	\$567.91/year	6.31
Class 4 - Condominiums and Multi-family		
First unit	\$90/year	1.00
Additional units	\$90/year	1.00
Class 5 –Industrial	\$5,906.83	65.63

Dated this 8<sup>th</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Joseph D. Brenneman  
Joseph D. Brenneman, Chairman

By: /s/Gary D. Hall  
Gary D. Hall, Member

By: /s/Dale W. Lauman  
Dale W. Lauman, Member

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Deputy

#### **BOARD APPOINTMENTS:**

[10:18:40 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Member Dale W. Lauman  
Member Gary D. Hall

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Lauman made a **motion** to appoint Mary Mumby to the AOA council. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Patti Stewart and Joe Decker to the RSVP board. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Lauman made a **motion** to re-appoint Tom Reynolds to the LaBrant Lindsey Land Use Advisory board. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

Commissioner Hall made a **motion** to appoint Cindy Apsey, Carol Pike, Carol Blake, Rick Davis and Don Skare to the Transportation Advisory board (TAB). Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **TAX REFUND: PIERCE**

[10:22:37 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Clerk Diana Kile

Discussion was held relative to a duplicate payment of \$197.34 that requires a tax refund.

Commissioner Hall made a **motion** to approve the tax refund request for Pierce. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: SOMERS FIRE DISTRICT ANNEXATION/ DE GRANDPRE**

10:23:00 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Hall made a **motion** to approve resolution #2016 and authorize the publication of the Notice of Public Hearing for annexation into the Somers Fire District and authorize the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

RESOLUTION NO. 2016

WHEREAS, Section 7-33-2125, M.C.A., allows for annexation of adjacent property into a fire district upon petition by at least 50% of the owners in an area to be annexed and approval by the Trustees of the Fire District;

WHEREAS, a petition was received from 100 % of the owners of property that is currently in the Flathead County Fire Service Area, to be annexed into the Somers Rural Fire District and that petition was approved by the Board of Trustees of the Somers Rural Fire District;

WHEREAS, the property to be annexed is described on Exhibit A hereto and shown on Exhibit B;

WHEREAS, Section 7-33-2125, M.C.A., requires that the Board of Commissioners hold a hearing on the petition to annex;  
and

WHEREAS, Section 7-33-2401, M.C.A., allows the Board of Commissioners to alter the boundaries of the Flathead County Fires Service Area upon petition and after passage of a resolution of intent and conduct of a public hearing.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by the Board of Commissioners of Flathead County, that it intends to alter the boundaries of the Flathead County Fire Service Area by transferring the property described on Exhibit A into the Somers Rural Fire District.

BE IT FURTHER RESOLVED that the Board of Commissioners will hold a public hearing on its intent to alter said boundaries and the petition to annex the property into the Somers Rural Fire District on the 27th day of February, 2007, at 10:00 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will accept written protests from property owners of the property described above and will receive general protests and comments relating to the alteration of the boundaries of the Flathead County Fire Service Area and the Somers Rural Fire District.

BE IT FURTHER RESOLVED that notice of the passage of this resolution of intent and of the scheduling of the public hearing shall be published pursuant to the terms of Section 7-1-2121, M.C.A.

Dated this 8<sup>th</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Joseph D. Brenneman  
Joseph D. Brenneman, Chairman

By/s/Gary D. Hall  
Gary D. Hall, Member

By/s/Dale W. Lauman  
Dale W. Lauman, Member

ATTEST:  
Paula Robinson, Clerk

By/s/Diana Kile  
Deputy

EXHIBIT A

ALL THAT PORTION OF SECTION 19, TOWNSHIP 26 NORTH, RANGE 20 WEST, LYING WEST OF U.S. HIGHWAY 93, FLATHEAD COUNTY, MONTANA.

EXCEPTING THEREFROM THE FOLLOWING TRACTS OF LAND:

EXCEPTING THEREFROM Parcel A of Certificate of Survey No. 15495, records of Flathead County, Montana.

EXCEPTING THEREFROM Lots 3, 4 and 5 of the Plat of Eagle's Crest Vistas, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lots 1A and 2A of the Amended Plat of Lot 1 and 2 of Eagle's Crest Vistas, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lots 8 of the Plat of Eagle's Crest Ridge, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lot 6A and 6B of the Amended Plat of Lot 6 of Eagle's Crest Ridge, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lot 7A, 7B, 10A and 10B of the Amended Plat of Lots 7 and 10 of Eagle's Crest Ridge, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lots 11 and 13 of the Plat of Eagle's Crest Bluffs, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lots 1 and 2 of the Amended Plat of Lot 12 of Eagle's Crest Bluffs, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lots 1 through 27 of the Plat of Eagle Development Phase II, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Parcel A of Certificate of Survey No. 16541 situated, lying and being in the Northwest Quarter of the Northwest Quarter of Section 19, Township 26 North, Range 20 West, P.M.M., Flathead County, Montana.

EXCEPTING THEREFROM Lots 1 through 43 of Eagle Development Phase III, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

ALL THAT LAND LYING IN SECTION 20, TOWNSHIP 26 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, DESCRIBED AS FOLLOWS:

Parcel A of Certificate of Survey No. 10815, a tract of land located in the northwest quarter of the southwest quarter of Section 20, Township 26 North, Range 20 West, P.M.M., Flathead County, Montana.

All that part of the Southwest Quarter of the Northwest Quarter of Section 20, Township 26 North, Range 20 West, lying west of the new Highway 93.

ALL OF THE LAND LOCATED TO THE WEST OF U.S. HIGHWAY 93 LOCATED IN SECTION 29, TOWNSHIP 26 NORTH, RANGE 20 WEST, FLATHEAD COUNTY, MONTANA.

ALL OF THE LAND LOCATED IN SECTION 30, TOWNSHIP 26 NORTH, RANGE 20 WEST, FLATHEAD COUNTY, MONTANA.

ALL OF THE LAND LOCATED IN SECTION 25, TOWNSHIP 26 NORTH, RANGE 21 WEST, FLATHEAD COUNTY, MONTANA.

#### NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice, pursuant to Section 7-33-2125(1)(b), M.C.A., that it will hold a public hearing to consider a petition to annex territory into the Somers Fire District, said territory being described on Exhibit A hereto.

The Board of Commissioners has received a petition in writing by the owners of 100% of the land of the area to be annexed (Exhibit A) asking that such area be annexed into the Somers Fire District and has passed a Resolution of Intent to alter the boundaries of the Flathead County Fire Service Area by transferring the property described on Exhibit A into the Somers Rural Fire District.

The public hearing will be held on the 27<sup>th</sup> day of February, 2007, at 10:00 o'clock a.m., in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed annexation, and will consider whether a protest petition signed by a majority of the landowners of the area proposed for annexation, which would prevent the annexation, is presented at the hearing.

DATED this 8<sup>th</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By:/s/Joseph D. Brenneman  
Joseph D. Brenneman, Chairman

ATTEST:  
Paula Robinson, Clerk

By:/s/Diana Kile  
Deputy

Publish on February 13 and February 20, 2007.

#### EXHIBIT A

ALL THAT PORTION OF SECTION 19, TOWNSHIP 26 NORTH, RANGE 20 WEST, LYING WEST OF U.S. HIGHWAY 93, FLATHEAD COUNTY, MONTANA.

EXCEPTING THEREFROM THE FOLLOWING TRACTS OF LAND:

EXCEPTING THEREFROM Parcel A of Certificate of Survey No. 15495, records of Flathead County, Montana.

EXCEPTING THEREFROM Lots 3, 4 and 5 of the Plat of Eagle's Crest Vistas, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lots 1A and 2A of the Amended Plat of Lot 1 and 2 of Eagle's Crest Vistas, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.



EXCEPTING THEREFROM Lots 8 of the Plat of Eagle’s Crest Ridge, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lot 6A and 6B of the Amended Plat of Lot 6 of Eagle’s Crest Ridge, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lot 7A, 7B, 10A and 10B of the Amended Plat of Lots 7 and 10 of Eagle’s Crest Ridge, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lots 11 and 13 of the Plat of Eagle’s Crest Bluffs, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lots 1 and 2 of the Amended Plat of Lot 12 of Eagle’s Crest Bluffs, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Lots 1 through 27 of the Plat of Eagle Development Phase II, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM Parcel A of Certificate of Survey No. 16541 situated, lying and being in the Northwest Quarter of the Northwest Quarter of Section 19, Township 26 North, Range 20 West, P.M.M., Flathead County, Montana.

EXCEPTING THEREFROM Lots 1 through 43 of Eagle Development Phase III, according to the map of plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

ALL THAT LAND LYING IN SECTION 20, TOWNSHIP 26 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, DESCRIBED AS FOLLOWS:

Parcel A of Certificate of Survey No. 10815, a tract of land located in the northwest quarter of the southwest quarter of Section 20, Township 26 North, Range 20 West, P.M.M., Flathead County, Montana.

All that part of the Southwest Quarter of the Northwest Quarter of Section 20, Township 26 North, Range 20 West, lying west of the new Highway 93.

ALL OF THE LAND LOCATED TO THE WEST OF U.S. HIGHWAY 93 LOCATED IN SECTION 29, TOWNSHIP 26 NORTH, RANGE 20 WEST, FLATHEAD COUNTY, MONTANA.

ALL OF THE LAND LOCATED IN SECTION 30, TOWNSHIP 26 NORTH, RANGE 20 WEST, FLATHEAD COUNTY, MONTANA.

ALL OF THE LAND LOCATED IN SECTION 25, TOWNSHIP 26 NORTH, RANGE 21 WEST, FLATHEAD COUNTY, MONTANA.

**COS REVIEW: MCLOUTH**

[10:31:48 AM](#)

Members present:

- Chairman Joseph D. Brenneman
- Commissioner Dale W. Lauman
- Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Planner Kirsten Holland, Joe Kauffman, Helen McLouth, Clerk Diana Kile

Holland reviewed the chain of title for McLouth family transfer in which Helen McLouth proposes to transfer land to her daughters.

Commissioner Hall made a **motion** to approve the COS as presented. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**AWARD BIDS: GAS & DIESEL, TIRES, LIQUID ASPHALT, CRUSHING & STOCKPILING GRAVEL, PROPANE FUEL, ASPHALT**

[10:45:36 AM](#)

Members present:

- Chairman Joseph D. Brenneman
- Commissioner Dale W. Lauman
- Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Flathead County Road Department Ted Gilbertson, Clerk Diana Kile

**Asphalt Bid** to: Montana Refining

Montana Refining for PG64-22, PG58-22 & SS1 Tack Oil at \$332.50/ ton & CRS 2 Chipping Oil for \$347.00

**Gas & Fuel Bid** to: City Service Valcon

City Service Valcon Gas & Oil unbranded fuel	Reg <u>No. Lead</u>	Red Dyed Low <u>Sulfur Diesel #2</u>	Red Dyed <u>Low Sulfur #1</u>
Martin City	.179	.179	.179
Columbia Falls	.159	.159	.159
Busch Pit	xxxx	.209	.209
County Shop	.129	.129	.129
Olney – Mielke	xxxx	.259	.259
Bigfork – Sullivan	xxxx	.169	.169
Bigfork – Thoennes	xxxx	.169	.169

Kila – Widgren	xxxx	.169	.169
Mixing Plant	xxxx	.109	.109
Main Courthouse	.129	.129	.129
Solid Waste – Dump	.139	.139	.139

**Propane Bid** to: Northwestern Energy

Northwest Energy – Old Steel Bridge Pit \$.06¢ delivery cost per gallon

**New Tires** to: Tire-Rama

Tire-Rama	11R24.5	FirestoneT819	\$ 250.00
	11R24.5	Firestone FS663	\$ 287.45
	1400R24	Michelin XGLA	\$ 822.09
	20.5X25	Primex EHTL5	\$ 903.06
	23.5X25	Primex EHTL5	\$1,774.66
	225/60R16	Firestone P41 Police	\$ 72.96
	225/60R16	Firestone PVS Police	\$ 68.00
	235/85R16	Firestone Transforce AT	\$ 99.95
	235/85R16	Firestone Destination MT	\$ 109.70

**Re-Cap Tires** to: Les Schwab

Les Schwab	11-24.5	PC-7 Traction Retread	\$ 115.00
	11-24.5	PC-14 Highway Retread	\$ 106.00

**¾” Crushed Gravel** to: Schellinger Construction

Schellinger 50,000 Tons of Grade B @ \$3.36/ Ton = \$168,000.00

**3/8” Chipping** to: Schellinger Construction

Schellinger 8,000 Tons @ \$11.50 / Ton = \$92,000.00

Commissioner Lauman made a **motion** to award the bids as recommended. Commissioner Hall **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**AUTHORIZATION TO PUBLISH NOTICE OF PUBLIC HEARING: HOMESTAKE TRAIL, LITTLE DEER CREEK TRAIL, AND LILAC LANE ROAD NAMINGS**

[10:55:43 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Member Dale W. Lauman  
Member Gary D. Hall

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Hall made a **motion** to authorize the publication of the Notice of Public Hearing for Homestake Trail, Little Deer Creek Trail and Lilac Lane. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

**NOTICE OF PUBLIC HEARING**

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **HOMESTAKE TRAIL**.

**Road generally running easterly off Middle Road and located in the NE1/2 of the NW1/4 of Section 28, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **27<sup>th</sup> day of February, 2007, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **HOMESTAKE TRAIL**.

This notice shall be mailed to each landowner who has access off of the proposed **HOMESTAKE TRAIL**, who has an address assignment on the proposed **HOMESTAKE TRAIL** or who owns property along the proposed **HOMESTAKE TRAIL**.

Dated this 8<sup>th</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Joseph D. Brenneman  
Joseph D. Brenneman, Chairman

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Deputy

Publish on February 13 and February 20, 2007.

#### NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **LITTLE DEER CREEK TRAIL**.

**Road generally running northerly and westerly off Deer Creek Road and located in Lots 10 & 11 of Section 34 and the SW ¼ of Section 35, Township 27 North, Range 21 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **27<sup>th</sup> day of February, 2007, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **LITTLE DEER CREEK TRAIL**.

This notice shall be mailed to each landowner who has access off of the proposed **LITTLE DEER CREEK TRAIL**, who has an address assignment on the proposed **LITTLE DEER CREEK TRAIL** or who owns property along the proposed **LITTLE DEER CREEK TRAIL**.

Dated this 8<sup>th</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Joseph D. Brenneman  
Joseph D. Brenneman, Chairman

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Deputy

Publish on February 13 and February 20, 2007.

#### NOTICE OF PUBLIC HEARING

The Board of Commissioners of Flathead County, Montana, hereby gives notice that it will hold a public hearing to consider a proposal to name a road as **LILAC LANE**.

**Road generally running westerly off Rainbow Drive and located in the NE1/4 of the SE1/4 of Section 26, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana.**

The public hearing will be held on the **27<sup>th</sup> day of February, 2007, at 10:15 A.M.**, in the Office of the Board of Commissioners of Flathead County, Courthouse, West Annex, Kalispell, Montana. At the public hearing, the Board of Commissioners will give the public an opportunity to be heard regarding the proposed naming of **LILAC LANE**.

This notice shall be mailed to each landowner who has access off of the proposed **LILAC LANE**, who has an address assignment on the proposed **LILAC LANE** or who owns property along the proposed **LILAC LANE**.

Dated this 8<sup>th</sup> day of February, 2007.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By: /s/Joseph D. Brenneman  
Joseph D. Brenneman, Chairman

ATTEST:  
Paula Robinson, Clerk

By: /s/Diana Kile  
Deputy

Publish on February 13 and February 20, 2007.

#### FINAL PLAT: ROCKY TRAILS

11:00:15 AM

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Planner Nicole Lopez-Stickney, , Eric Mulcahy, Kim Barstow, Keith Billi, Clerk Diana Kile

Lopez-Stickney reviewed the application submitted by Keith Balli with technical assistance from Sands Surveying for final plat approval of Rocky Trails subdivision, a 5 residential lot subdivision. This property is located approximately two miles west of Kila. Preliminary plat approval was granted on January 9, 2006, subject to 19 conditions. All conditions have been met. Staff recommends approval.

Commissioner Hall made a **motion** to approve final plat for Rocky Trails subdivision. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **CONSIDERATION OF RELEASE OF COLLATERAL: MEADOWBROOKE**

[11:21:11 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Clerk Diana Kile

Commissioner Hall made a **motion** to approve the release of collateral for Meadowbrooke subdivision. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **DOCUMENT FOR SIGNATURE: EMPLOYMENT CONTRACT/ PENCE**

[11:22:26 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT

Others present:

Clerk Diana Kile

Others absent:

Assistant Michael Pence

Commissioner Hall made a **motion** to approve the employment agreement for Michael Pence. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **DOCUMENT FOR SIGNATURE: AMENDMENT TO GLACIER PARK AGREEMENT/ EAGLE TRANSIT**

[11:17:00 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT

Others present:

Assistant Michael Pence, Eagle Transit Director Cheryl Talley, AOA Director Jim Atkinson, Clerk Diana Kile

Commissioner Hall made a **motion** to approve the amended agreement with Glacier Park and authorize the Chairman to sign. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **CONSIDERATION OF PATROL CAR BIDS: SHERIFF'S OFFICE**

[11:26:56 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall, PT all

Others present:

Assistant Michael Pence, Sheriff's Department Mike Meehan, Under Sheriff Pete Wingert, Clerk Diana Kile

Discussion was held relative to the call for bids for six 2007 Crown Victoria cars at the cost of \$20,476.00 each, for a total of \$122,856.90, with the low bid from DePratu Ford. Sheriff Meehan then stated that they have \$180,000 budgeted for cars and will have additional installation costs added to the new vehicles. Also discussed was the purchase of a used civil vehicle that is also in their budget. .

Commissioner Hall made a **motion** to award the sheriff's vehicle bid to DePratu Ford for 6 Crown Victoria's and to authorize the purchase of a used Civil Department vehicle for \$18,000. Commissioner Lauman **seconded** the motion. **Aye** - Brenneman, Hall and Lauman. Motion carried unanimously.

#### **MEETING W/ LAUREL RAYMOND/ FINANCE DEPT RE: CREDIT CARD POLICY**

[11:48:59 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman

Members absent:

Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Clerk & Recorder Paula Robinson, Finance Director Laurel Raymond, Finance Dept.  
Fletcher MacKenzie, Clerk Diana Kile

Discussion was held relative to the need for a credit card policy within the county.

Fletcher MacKenzie presented the credit card policy in which there would be a county wide credit card with internal controls in place so that it can be managed. The department supervisor would be responsible for the card and a profile would be set up for each employee that determines what can be purchased with their card. Anything that is not authorized on the employee's profile would be denied by the credit card company. The program would also condense the claim process and tracking for finance.

Commissioner Lauman made a **motion** to approve the credit card policy as presented. Commissioner Brenneman **seconded** the motion. **Aye** – Brenneman and Lauman. Motion carried by quorum.

**2:00 p.m. Commissioner Lauman to AOA Board meeting @ Kalispell Sr. Center**  
**4:00 p.m. Montana West Economic Development Board meeting @ 490 W Reserve**  
**4:00 p.m. Commissioner Hall to Long Range Planning Task Force meeting @ Earl Bennett Bldg**

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock February 9, 2007.

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## FRIDAY, FEBRUARY 9, 2007

The Board of County Commissioners met in continued session at 8:00 o'clock A.M. Chairman Brenneman, Commissioners Hall and Lauman, and Clerk Robinson were present.

### CONSIDERATION OF HR TRANSMITTALS: GLACIER PARK OPERATIONS LEAD/ EAGLE TRANSIT

[10:05:50 AM](#)

Members present:

Commissioner Dale W. Lauman  
Commissioner Gary D. Hall  
Chairman Joseph D. Brenneman [10:22:42 AM](#) Seated

Others present:

Assistant Michael Pence, Eagle Transit Director Cheryl Talley, AOA Director Jim Atkinson, RSVP Director Bobbie Kelly, Gary Danczyu, John Kirpatrick, Clerk Diana Kile

Discussion was held relative to the Glacier Park Operations lead position for Eagle Transit buses. The person hired will be in charge of all the operations at Glacier Park. Also discussed was the option of using an employment service for the recruiting and hiring of bus drivers. Some of the work mentioned that needs to be done is the training of drivers, computer system that needs integrated, routes and stops for the drivers that needs to be worked out.

Commissioner Lauman made a **motion** to recommend approval of classification of Eagle Transit Department Lead. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Gary Danczyu spoke in regards to having a lot of work to be done and a short time to get it all done in. He also spoke about wanting to have good quality high motivated drivers.

Michael Pence spoke about the overhead cost of the additional employees to HR, Payroll and Finance, and then stated that if any employment agency was used it would protect the county in the work comp area and cover all the cost of the employee.

Commissioner Lauman made a **motion** to approve the position. Commissioner Hall **seconded** the motion. **Aye** - Hall and Lauman. Motion carried by quorum.

Gary Danczyu gave a summary of the new Glacier Park Transit system that will provide free bus rides for park visitors. The entrance fee to Glacier Park is embedded with a transportation fee, which the Park started collecting in 2006. Also discussed was the partnership between the Federal, State & Local Governments that have come together to partnership the system. Danczyu questioned what would be done with the buses in the off season and stated that they needed to come up with a 12 month plan to use the buses and also spoke about having to be able to replace the buses as they are worn out.

### PERSONNEL MATTER

[10:36:12 AM](#)

Members present:

Chairman Joseph D. Brenneman  
Commissioner Dale W. Lauman  
Commissioner Gary D. Hall

Others present:

Assistant Michael Pence, Animal Control Director Richard Stockdale, AOA Director Jim Atkinson, RSVP Director Bobbie Kelly, Road Department Superintendent Charlie Johnson, Clerk Diana Kile

Discussion was held relative to consideration of renewal of employment contracts with AOA Director Jim Atkinson, RSVP Director Bobbie Kelly, Animal Control Director Richard Stockdale and Road Department Superintendent Charlie Johnson.



Michael Pence stated the changes that were made in contracts this year with the evaluation process and the language that state if someone is not performing there is for cause language that states, if someone is deficient they will have an opportunity to cure the deficiency and if it is not cured the commission will have cause to discipline up to and including termination as per the new language.

#### **LEGISLATIVE SESSION DISCUSSION**

This meeting was cancelled.

At 5:00 o'clock P.M., the Board continued the session until 8:00 o'clock February 12, 2007.

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